General Conformity Issues For Air Force Facilities

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Topics that John asked me to cover

- The impact on General Conformity of the transition to the new standards
- The impact of the new standards themselves on General Conformity
- Other changes in the works for General Conformity

Overview of Presentation

- New standards and the transition to them
  - General requirements for new nonattainment areas
  - Ozone standards
  - $PM_{2.5}$/PM_{10} Standards
- Revisions to the General Conformity Regulations
- General Questions

General Requirements for N/A Areas Designations

- Designations based upon monitored/ modeled violations plus any nearby area that contribute to the area
- Nonattainment areas subject to Part D of Title I of the CAA
  - Subpart 1 for all N/A areas
  - Subpart 2 for persistent O_3 problems
  - Subpart 4 for persistent PM problems
- www.epa.gov/oar/oaqps/greenbook

General Requirements for N/A Areas Classifications

- Subpart 1 does not include classifications
  - EPA calls them basic areas
- Subpart 2 classifications based on design value
  - Marginal to extreme
- Subpart 4 classification based on ability to attain
  - Moderate and serious

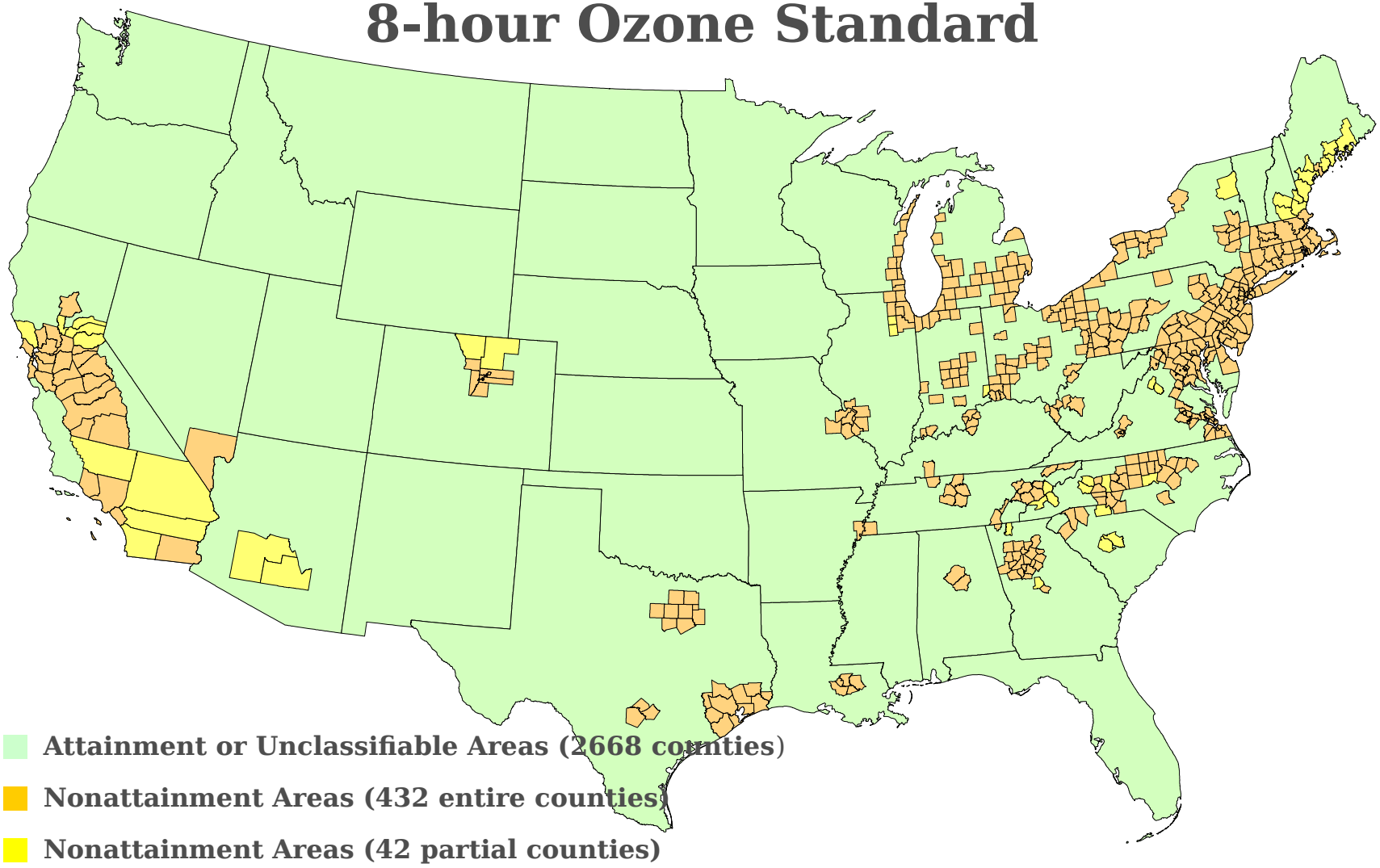
General Req’ts for N/A Areas Conformity Requirements

- §176(c) requires Federal actions conform to the SIP
- §176(c)(6) Establishes a 1-year grace period from designation
  - Conformity for newly designated areas not required until 1 year after designation
- General Conformity determinations before end of grace period are grandfathered
  - GC determination signed, or
  - ROD for EIS
  - FONSI for EA

Ozone Standards

- Promulgated in 1997
  - Implementation delayed by Court actions
- Designations published 4/30/04
  - Effective 6/15/05
- Phase I of implementation program 4/30/04
  - Classifications
  - Revoke 1-hour one year after effective date

Attainment and Nonattainment Areas in the U.S.
8-hour Ozone Standard


Attainment or Unclassifiable Areas (2668 counties)
Nonattainment Areas (432 entire counties)
Nonattainment Areas (42 partial counties)

Classifications

- More areas designated as nonattainment
  - Mainly East of Mississippi River
  - Some 1-hour are attainment
- Equal or lower classifications
  - No extreme areas
  - Severe areas mostly in California

Ozone Standards and General Conformity

- More areas subject to General Conformity
- Deminimis emission levels unchanged for classifications
- Deminimis emission levels for old 1-hr areas equal or higher

Transition to 8-Hour Standard

- Which standards controls?
  - If emissions start before 6/15/05 use 1-hour requirements
  - If conformity determination/NEPA completed after 6/15/05 use 8 hour
  - If conformity determination/NEPA completed during grace period and emissions start after 6/15/05, you have the option
- Can conform to 1-hr SIP until 8-hr SIP is approved
  - 1-hr SIP is the applicable SIP

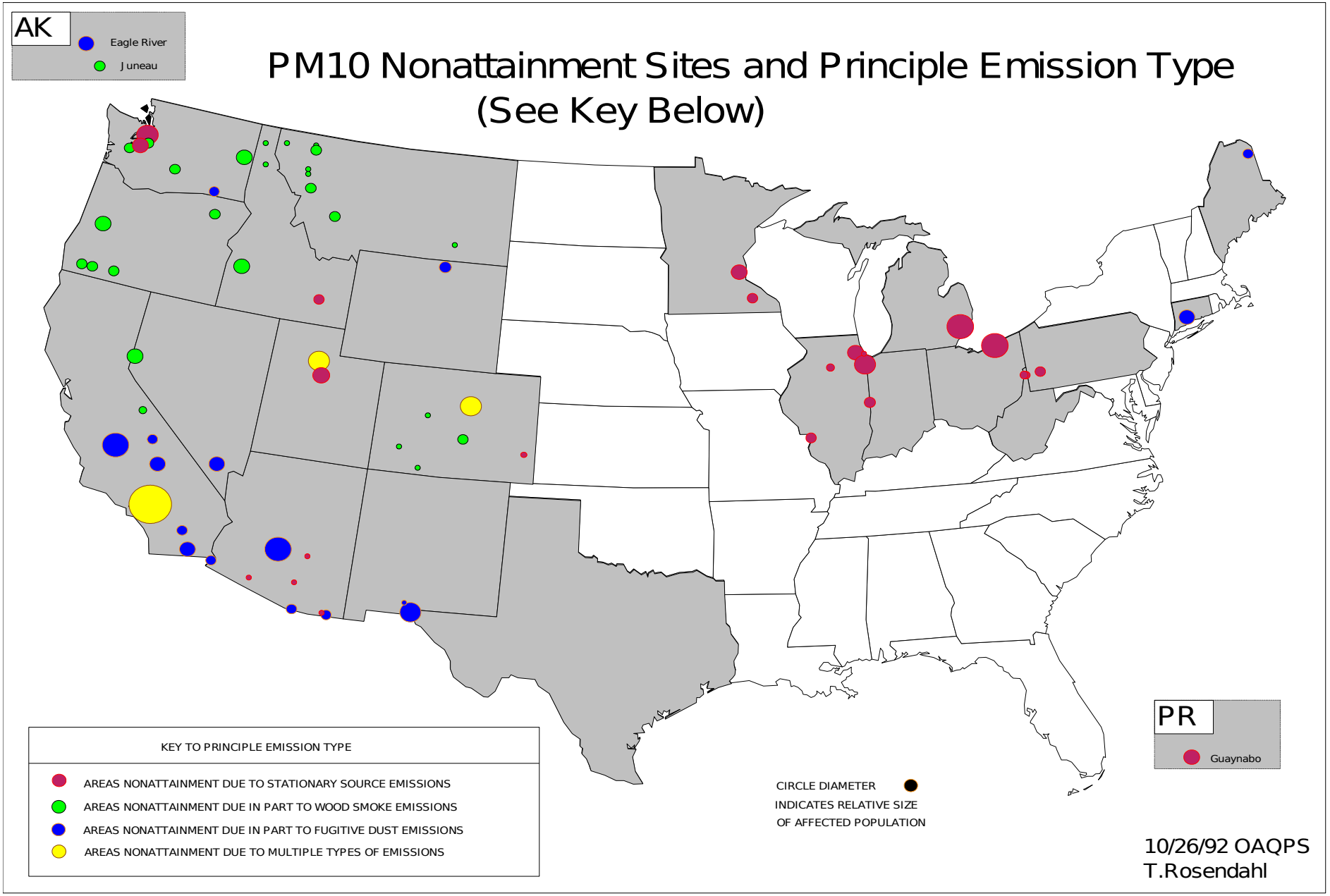
Early Action Compacts

- Areas attaining the 1-hour Standard
- Had prospect of attaining the 8-hour std early
- Agreed to take early action
  - Regional controls
  - Local measures
- EPA delayed the effective date of the designation
  - If designated attainment – no conformity
  - If not – quick SIP submittal
- Revocation of 1-hr also delayed
  - 1 year after designation

$PM_{2.5}$ Standard

- Promulgated 1997
  - Implementation delayed by Court actions
- Designations published 1/5/05
  - Effective 4/5/05
- Implementation program proposal this Spring
- PM_{10} Standard is retained

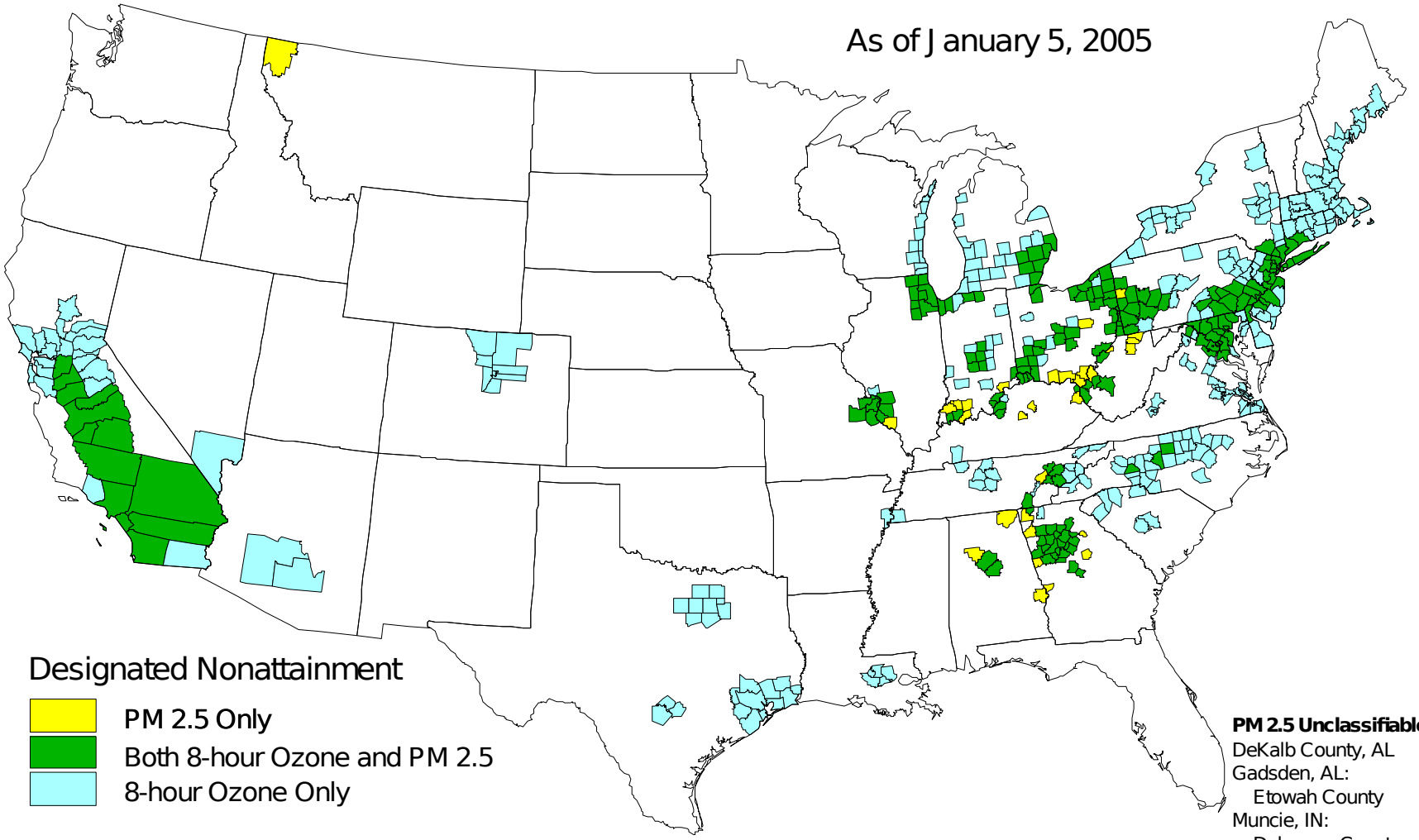
1990 CAAA, PM10 Nonattainment Areas



THESE AREAS DESIGNATED PM10 NONATTAINMENT BY ACT OF LAW, CAAA, 1990

8-hour Ozone and PM 2.5 Nonattainment Counties

As of January 5, 2005



Designated Nonattainment

- PM 2.5 Only
- Both 8-hour Ozone and PM 2.5
- 8-hour Ozone Only

PM 2.5 Unclassifiable Areas

DeKalb County, AL
Gadsden, AL:
  Etowah County
Muncie, IN:
  Delaware County
Greenville-Spartanburg, SC:
  Anderson County
  Greenville County
  Spartanburg County
McMinn County, TN:
  McMinn County

*Counties are shown as whole counties; however, in some cases, only part of the county was designated as nonattainment.

*Some States may seek to change their PM 2.5 areas based on 2002-2004 data.
Any requests for changes must be submitted by February 22, 2005.
PM 2.5 nonattainment area designations will be effective by April 5, 2005.

$PM_{2.5}$ and Conformity

- Before 4/5/06 PM_{10} only
- After 4/5/06 both $PM_{2.5}$ and PM_{10}
- $PM_{2.5}$ implementation program not proposed yet

General Conformity Revisions

- Started process in 1998
  - Delayed because of court action on standards
- Current schedule
  - Interagency review – 4/05
  - Proposal – 7/05
  - Final – Spring ’06
- Navy lead for DOD on Interagency work group
  - Alan Waite (alan.waite@pentagon.af.mil)

Category of Revisions

- Innovative and flexibility approached
- Streamlining and burden reduction
- Transitional tools
- Requests from other agencies
- Clarification of the existing rules

Innovative and Flexibility

- Emission budget approach
- Emission reduction credits
- Inter-precursor offsets
- Mitigation timing

Streamlining and Burden Reduction

- Regionally significant test
- Presumed to conform list
- Exemption for minor NSR permitted emissions

Transitional Tools

- Grandfathering
- Grace period
- Harmonizing the horizon years
- SIP submittal timing

Request from Other Agencies

- Prescribed fire policy
- Geographic limits on offsets
- Include military readiness under emergency
- Protection for classified materials
- Coverage of construction emissions

Clarification of Existing Rules

- Clarification of the process
- Actions affecting multiple areas
- Offsite mobile source emissions
- Response to emergency episode
- Definition for more terms

Emission Budget Approach

- State and base develop facility-wide emission budget
  - Set time period (10 years)
- As long as the project and all other emissions at the facility are with in the budget it is presumed to conform
- State will use the budget in the SIP
- Can renegotiate the budget, if necessary

ERC

- Based on VALE program for FAA
- Facility voluntarily reduce emissions
- State credits the reductions
- Facility uses the reductions in the evaluation

Regionally Significant Test

- Never been triggered
- Only six place where it applies
  - Emission inventory is less than 10 times the deminimis levels
- What is the environmental benefit?

Presumed to Conform

- Presently agencies can develop their own list
  - No one has
- Broaden categories
  - Below deminimis
  - In the SIP
  - State presumption

Grandfathering Provisions

- Present provision outdated
- Update language
- 5-year time limit
- Notification to State of Grandfathered action

Military Readiness

- Define military readiness as a emergency
- Allow 6 month exemption
- Allow extensions

Construction Emissions

- Generally not included in Transportation conformity
- State needs to know about emissions
- May be ways to exempt
  - Emission budget
  - Presumed to conform
  - State permit

Multi Areas

- Treat each area separately
- Could treat whole action as if in most stringent area

What did he say?

- 8-hour designations/classifications
  - Published 4/30/04
  - Effective 6/15/04
  - Conformity due 6/15/05
- $PM_{2.5}$ designations
  - Published 1/05/05
  - Effective 4/05/05
  - Conformity 4/05/06
- Conformity Revisions
- Proposal in July